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<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		ATTORNEY'S DOCKET NUMBER S-0928-US  U.S. APPLICATION NO. (if known, see 37 CFR 1.51) <div style="font-size: 1.5em; font-weight: bold; text-align: center;">10/571241</div>
INTERNATIONAL APPLICATION NO. PCT/EP2004/009835	INTERNATIONAL FILING DATE 3 September 2004	PRIORITY DATE CLAIMED 9 September 2003 and 23 December 2003
TITLE OF INVENTION    The Use of Fumaric Acid Derivatives For Treating Cardiac Insufficiency, and Asthma		
APPLICANT(S) FOR DO/EO/US    Rajendra K. Joshi; Hans-Peter Strebel; Christian Zaugg; Michael Tamm		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information: <ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li>3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371 (f)). The submission must include items (5), (6), (9) and (21) indicated below.</li> <li>4. <input checked="" type="checkbox"/> The US has been elected (Article 31).</li> <li>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))             <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input checked="" type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).             <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto.</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ol> </li> <li>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))             <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input checked="" type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</li> <li>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li> </ol> <p>Items 11 to 20 below concern document(s) or information included:</p> <ol style="list-style-type: none"> <li>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li>12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li>13. <input checked="" type="checkbox"/> A preliminary amendment.</li> <li>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</li> <li>15. <input type="checkbox"/> A substitute specification.</li> <li>16. <input checked="" type="checkbox"/> A power of attorney and/or change of address letter.</li> <li>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.</li> <li>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</li> <li>19. <input type="checkbox"/> A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).</li> </ol>		

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

**MAR 29 2006**

PTO-1390 (Rev. 07-2005)

Approved for use through 3/31/2007. OMB 0651-0021

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>U.S. APPLICATION NO.</b> (if known, see 37 CFR 1.5) 	<b>INTERNATIONAL APPLICATION NO.</b> PCT/EP2004/009835	<b>ATTORNEY'S DOCKET NUMBER</b> S-0928-US	
20. Other items or information:			
The following fees have been submitted		<b>CALCULATIONS</b>	<b>PTO USE ONLY</b>
21.	<input checked="" type="checkbox"/> Basic national fee (37 CFR 1/492(a)).	\$300	
22.	<input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c))  If the written opinion prepared by IS/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of the PCT Article 33(1)-(4) . . . \$0 All other situations . . . \$200	\$200	
23.	<input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) . . . \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority . . . \$100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB . . . \$400 All other situations . . . \$500	\$400	
<b>TOTAL OF 21, 22 and 23 =</b>		\$900	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.			
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE
12	-100 =	0 /50 =	0 x \$250.00
			\$0
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492 (h)).		\$0	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total claims	99 - 20 =	79	X \$50
Independent claims	8 - 3 =	5	X \$200
<b>MULTIPLE DEPENDENT CLAIM(S)</b> (if applicable)		+ \$360	\$360
<b>TOTAL OF ABOVE CALCULATIONS =</b>			\$6,210
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.			
<b>SUBTOTAL =</b>			\$6,210
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).			\$0
<b>TOTAL NATIONAL FEE =</b>			\$6,210
Fee for recording the enclosed assignment (37 CFR 1.21 (h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property			\$40
<b>TOTAL FEES ENCLOSED =</b>			\$6,250
			Amount to be refunded:
			\$
			Amount to be charged:
			\$

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PTO-1390 (Rev. 07-2005)

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- a. ☐ A check in the amount of \$\_\_\_\_\_ to cover the above fees is enclosed.
- b. ☒ Please charge my Deposit Account No. 502768 in the amount of \$6,250 to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 502768. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

John F. Sieberth  
SIEBERTH & PATTY, L.L.C.  
4703 Bluebonnet Boulevard  
Baton Rouge, Louisiana 70809



SIGNATURE

John F. Sieberth  
NAME

17704

REGISTRATION NUMBER

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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RAJENDRA K. JOSHI ET AL.

APPLN. NO. ---

FILED: HEREWITH

THE USE OF FUMARIC ACID DERIVATIVES  
FOR TREATING CARDIAC INSUFFICIENCY,  
AND ASTHMA  
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DATE: March 9, 2006

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**CERTIFICATE UNDER 37 CFR 1.10 - EXPRESS MAIL**

I hereby certify that the correspondence stapled hereto and identified below is being deposited by me with the United States Postal Service as EXPRESS MAIL in an envelope addressed to: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia, 22313-1450, on March 9, 2006. The number of the "Express Mail" mailing label placed thereon prior to mailing is EQ 134366119 US.

Said correspondence consists of the following:

- (1) 3-page Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Submission Under 35 U.S.C. 371;
- (2) 3-page copy of executed Declaration;
- (3) 1-page Power of Attorney and Correspondence Address Indication Form;
- (4) 1-page Statement Under 37 CFR 3.73(b) with copy of 4 1-page executed Assignments attached;
- (5) 14-page Preliminary Amendment;
- (6) 1-page Recordation Form Cover Sheet with copy of 4 1-page executed Assignments attached; and
- (7) 30-page English language Patent Application (including Specification, Claims, and Abstract) of the Disclosure with 4 Drawing Sheets attached.

A return postcard is attached hereto.

  
Celeste N. Merritt